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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

RASMUSSEN INSTRUMENTS, LLC,

Plaintiff,

v.

DEPUY SYNTHES PRODUCTS, INC., DEPUY SYNTHES SALES, INC., AND MEDICAL DEVICE BUSINESS SERVICES, INC.,

Defendants.

C.A. No. 1:20-CV-11807-TSH

JURY TRIAL DEMANDED

JURY VERDICT FORM

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you in the Court's charge. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

In this Verdict Form:

"Rasmussen" refers to Plaintiff Rasmussen Instruments, LLC.

"DePuy" refers collectively to Defendants DePuy Synthes Products, Inc., DePuy Synthes Sales, Inc., and Medical Device Business Services, Inc.

"The '180 Patent" refers to U.S. Patent No. 9,492,180. The Asserted Claims for the '180 Patent are Claims 6, 9, 13, and 18.

"The '583 Patent" refers to U.S. Patent No. 10,517,583. The Asserted Claims for the '583 Patent are Claims 1, 3, 7, and 12.

2/14/22 4:50pm

INFRINGEMENT - BALANCED SIZER

1. Has Rasmussen proven by a preponderance of the evidence that DePuy's Balanced Sizer directly infringed any of the following Patent Claims?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'180 Patent, Claim 6	X	
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9	X	
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from	\boxtimes	
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
Cidinis 5 und 12)	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)		
(acpondent from Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		X
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		X
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		\boxtimes

2. With respect to the Balanced Sizer, has Rasmussen proven by a preponderance of the evidence that DePuy contributed to the infringement by others of any of the following Patent Claims?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'180 Patent, Claim 6 (dependent from Claim 1)	X	
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9	\boxtimes	
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from	X	
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
,	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)		
(Copenation Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		X
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		X

3. With respect to the Balanced Sizer, has Rasmussen proven by a preponderance of the evidence that DePuy induced the infringement by others of any of the following Patent Claims?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'180 Patent, Claim 6 (dependent from Claim 1)	\boxtimes	
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9	\boxtimes	
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from	\boxtimes	
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)	\boxtimes	
(dependent from Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		\boxtimes
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
Claims 1 and 2)	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		

4. With respect to the Balanced Sizer, has Rasmussen proven by a preponderance of the evidence that DePuy supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'180 Patent, Claim 6	\boxtimes	
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9	\boxtimes	
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from		
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)	\boxtimes	
(dependent from Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		\boxtimes
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		×

5. With respect to the Balanced Sizer, has Rasmussen proven by a preponderance of the evidence that DePuy supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'180 Patent, Claim 6 (dependent from Claim 1)	\boxtimes	
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9	\boxtimes	
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from		
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)		
(dependent from Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		X
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		\boxtimes
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 7)	Claim 7)
'583 Patent, Claim 7		X
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		\boxtimes

INFRINGEMENT – BALANCING BLOCKS

6. Has Rasmussen proven by a preponderance of the evidence that DePuy's Balancing Blocks directly infringed any of the following Patent Claims?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

'583 Patent

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		\boxtimes
	(Proceed to '583 Patent, Claim 7)	(Proceed to '583 Patent, Claim 7)
'583 Patent, Claim 7		×

7. With respect to the Balancing Blocks, has Rasmussen proven by a preponderance of the evidence that DePuy contributed to the infringement by others of any of the following Patent Claims?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

'583 Patent

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		X
	(Proceed to '583 Patent, Claim 7)	(Proceed to '583 Patent, Claim 7)
'583 Patent, Claim 7		×

8. With respect to the Balancing Blocks, has Rasmussen proven by a preponderance of the evidence that DePuy induced the infringement by others of any of the following Patent Claims?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

'583 Patent

Patent Claims	Yes (finding for Rasmussen)	No (finding for DePuy)
'583 Patent, Claim 1		X
	(Proceed to '583 Patent, Claim 7)	(Proceed to '583 Patent, Claim 7)
'583 Patent, Claim 7		×

9. With respect to the Balancing Blocks, has Rasmussen proven by a preponderance of the evidence that DePuy supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

'583 Patent

Patent Claims	Yes	No
	(finding for Rasmussen)	(finding for DePuy)
'583 Patent, Claim 1		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes

10. With respect to the Balancing Blocks, has Rasmussen proven by a preponderance of the evidence that DePuy supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States?

Please check the boxes that reflect your verdict.

("Yes" finds for Rasmussen, "No" finds for DePuy)

'583 Patent

Patent Claims	Yes (finding for Rasmussen)	No (finding for DePuy)
'583 Patent, Claim 1		
	(Proceed to '583 Patent, Claim 7)	(Proceed to '583 Patent, Claim 7)
'583 Patent, Claim 7		×

11. with r the ev	If you answered "Yes" with regard to any of the foregard to any of the claims of the '180 Patent, has Rassidence that DePuy's infringement of the '180 Patent v	nussen proven by a preponderance of
	Please check the box that reflects your verdict.	
	("Yes" finds for Rasmussen, "No" finds for DePuy)	
	Yes	No
	\boxtimes	
12. with re the evi	If you answered "Yes" with regard to any of the fore egard to any of the claims of the '583 Patent, has Rasn dence that DePuy's infringement of the '583 Patent we Please check the box that reflects your verdict.	nussen proven by a preponderance of
	("Yes" finds for Rasmussen, "No" finds for DePuy)	
	Yes	No

INVALIDITY

13. Has DePuy proven by clear and convincing evidence that any of the Asserted Patent Claims are invalid as anticipated?

Please check the boxes that reflect your verdict.

("Yes" finds for DePuy, "No" finds for Rasmussen)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'180 Patent, Claim 18 (dependent from Claim 15)		\boxtimes
(dependent from Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'583 Patent, Claim 1		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 7)	Claim 7)
'583 Patent, Claim 7		
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		\boxtimes

14. Has DePuy proven by clear and convincing evidence that any of the Asserted Patent Claims are invalid because they would have been obvious to one of ordinary skill in the art at the time of invention?

Please check the boxes that reflect your verdict.

("Yes" finds for DePuy, "No" finds for Rasmussen)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'180 Patent, Claim 6 (dependent from Claim 1)		\boxtimes
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9		X
Į.	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from		X
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'583 Patent, Claim 1		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		\boxtimes
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
Clamis i and 2)	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		X

15. Has DePuy proven by clear and convincing evidence that any of the Asserted Patent Claims are invalid because they are indefinite?

Please check the boxes that reflect your verdict.

("Yes" finds for DePuy, "No" finds for Rasmussen)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'180 Patent, Claim 6 (dependent from Claim 1)		\boxtimes
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9		
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from		\boxtimes
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
Claims 9 and 12)	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)		
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'583 Patent, Claim 1		
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3		
(dependent from Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
Claims 1 and 2)	Claim 7)	Claim 7)
'583 Patent, Claim 7		
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		X

16. DePuy proven by clear and convincing evidence that any of the Asserted Patent Claims are invalid for lack of written description?

Please check the boxes that reflect your verdict.

("Yes" finds for DePuy, "No" finds for Rasmussen)

a) <u>'180 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'180 Patent, Claim 6		\square
(dependent from Claim 1)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 9)	Claim 9)
'180 Patent, Claim 9		X
	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 13)	Claim 13)
'180 Patent, Claim 13 (dependent from		X
Claims 9 and 12)	(Proceed to '180 Patent,	(Proceed to '180 Patent,
	Claim 18)	Claim 18)
'180 Patent, Claim 18 (dependent from Claim 15)		\boxtimes
(dependent from Claim 13)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 1)	Claim 1)

b) <u>'583 Patent</u>

Patent Claims	Yes	No
	(finding for DePuy)	(finding for Rasmussen)
'583 Patent, Claim 1		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 3)	Claim 3)
'583 Patent, Claim 3 (dependent from		\boxtimes
Claims 1 and 2)	(Proceed to '583 Patent,	(Proceed to '583 Patent,
Claims I and 2)	Claim 7)	Claim 7)
'583 Patent, Claim 7		\boxtimes
	(Proceed to '583 Patent,	(Proceed to '583 Patent,
	Claim 12)	Claim 12)
'583 Patent, Claim 12		×

PATENT DAMAGES

If (i) you found infringement of either or both the '180 Patent or the '583 Patent (i.e., if you answered "Yes" to <u>any</u> of the foregoing infringement questions 2-11 for <u>any</u> Patent Claims of either or both the '180 Patent or the '583 Patent), and (ii) you did <u>not</u> find that <u>all</u> of the infringed claims have been proven invalid, then there is infringement of at least one valid claim and you should answer the following question, question 18. Otherwise, do not answer question 18.

17. What amount of damages has Rasmussen proven by a preponderance of the evidence would be adequate compensation for DePuy's infringement up to and including the date of this verdict? Write out the amount in numbers and then in words.

\$_20,000,000 (numbers)

Juenty Millon (words)

UNANIMOUS VERDICT

We, the jury, unanimously agree to the answers to the above questions and return them as

our verdict in this case.	
Julie L Ortiz	Carol E. Sorwecki
Foreperson	Juror
DIANA DWAH	Boury & Sutte
Juror	Juror
Adam Day	
Jennifer Carrara	Juror
Juror Defens	Juror
Juror	Juror
Suran Wahiol	· · · · · · · · · · · · · · · · · · ·
Juror	Juror

End of verdict form.